



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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 United States Patent and Trademark Office  
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|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/551,392                    | Markus Stoffel        | 11937/US/2       |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/US04/09954                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 03/31/2004                    | 03/31/2003            |                  |
| <b>CONFIRMATION NO. 3339</b>  |                       |                  |
| <b>371 FORMALITIES LETTER</b> |                       |                  |
| <br>*OC00000018441412*        |                       |                  |

Date Mailed: 04/04/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/29/2005
- Copy of the International Search Report filed on 09/29/2005
- Copy of IPE Report filed on 09/29/2005
- Information Disclosure Statements filed on 02/10/2006
- Small Entity Statement filed on 09/29/2005
- Request for Immediate Examination filed on 09/29/2005
- U.S. Basic National Fees filed on 09/29/2005
- Priority Documents filed on 09/29/2005
- Specification filed on 09/29/2005
- Claims filed on 09/29/2005
- Abstracts filed on 09/29/2005
- Drawings filed on 09/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors; in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

**BARBARA A CAMPBELL**

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Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

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|                             |                               |                  |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|

10/551,392

PCT/US04/09954

11937/US/2

FORM PCT/DO/EO/905 (371 Formalities Notice)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                          |   |                         |
|--------------------------|---|-------------------------|
| First Named              |   |                         |
| Inventor:                | Markus Stoffel  |                         |
| Appln. No.:              | 10/551,392  |                         |
| U.S. Filing Date:        | September 29, 2005  |                         |
| PCT Serial No.           | PCT/US2004/09954  |                         |
| International Filng Date | 31 March 2004<br>(31.03.2004)                                       | Examiner: Unknown       |
| Title:                   | METHODS OF INHIBITING ADIPOGENESIS AND FOR TREATING TYPE 2 DIABETES | Group Art Unit: Unknown |

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371 IN THE US DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MAIL STOP PCT**  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Express Mailing Number: EV-808022746 US  
 Date of Deposit: September 5, 2006

I hereby certify that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

\_\_\_\_\_  
 Kim Anderson  
 (Name) \_\_\_\_\_  
  
 \_\_\_\_\_  
 (Signature)

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), date mailed April 4, 2006, the following documents are enclosed:

1. Required copy of the Notification of Missing Requirements (3 pgs);
2. Change of Correspondence Address (1 pg);
3. Fee Transmittal Sheet (1 pg.);
4. Petition for Extension of Period of Response (2 pgs);
5. Check in the amount of \$510.00 for Extension of Time fee;
6. Executed Declaration and Power of Attorney (3 pgs);
7. Paper copy of Sequence Listing (5 pgs);

09/08/2006 GFREY1 00000062 10551392

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8. Disk containing Sequence listing; and
9. Return Receipt Postcard.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

Date: September 5, 2006

By: Scott D. Rothenberger  
Scott D. Rothenberger, Reg. No. 41,277  
(612) 340-8819

Effective on 02/07/06

# FEE TRANSMITTAL SHEET (FY 2006)

Applicant claims small entity status (see 37 C.F.R. 1.27)

**Complete if Known**

|                 |                    |
|-----------------|--------------------|
| Application No. | 10/551,392         |
| Filing Date     | September 29, 2005 |
| First Inventor  | Markus Stoffel     |
| Group Art Unit  | Unknown            |
| Examiner Name   | Unknown            |

Atty. Docket Number 11937/US/2

**METHOD OF PAYMENT (Check One)**

Check       Credit Card       Money Order  
 Deposit Account No.: 04-1420

Deposit Account Name: DORSEY &amp; WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17  
 Credit any overpayments  
 Other (please identify):

**Extra Claim Fees**

| Current Claims            | Prior | Extra | Fee                         | Fee Paid  |
|---------------------------|-------|-------|-----------------------------|-----------|
| Total                     | - 20  | =     | x \$                        | = \$      |
| Ind.                      | - 3   | =     | x \$                        | = \$      |
| Multiple Dependent Claims |       | x \$  | = \$                        |           |
|                           |       |       | <b>Total (Extra Claims)</b> | <b>\$</b> |

**Petition Fee Under 37 CFR 1.17(f), (g), & (h)**

Enclosed is a Petition filed under 37 CFR as indicated below:

- |   |                      |
|---|----------------------|
| <input type="checkbox"/> Petition Fee under 37 CFR 1.17(f)  | <b>Fee \$400</b>     |
| § 1.53(e) to accord a filing date.  |                      |
| § 1.57(a) to accord a filing date.  |                      |
| § 1.182 for decision on a question not provided for.  |                      |
| § 1.183 to suspend the rules.   |                      |
| § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent. |                      |
| § 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.                       |                      |
| <br><input type="checkbox"/> Petition Fee under 37 CFR 1.17(g)  | <br><b>Fee \$200</b> |
| § 1.12 for access to an assignment record.  |                      |
| § 1.14 for access to an application.  |                      |
| § 1.47 for filing by other than all inventors or person not the inventor.   |                      |
| § 1.59 for expungement of information.  |                      |
| § 1.103(a) to suspend action in an application.   |                      |
| § 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.   |                      |
| § 1.295 for review of refusal to publish a statutory invention registration.  |                      |
| § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.   |                      |
| § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.            |                      |
| § 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings.                                       |                      |
| § 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings.  |                      |
| § 5.12 for expedited handling of foreign filing license.  |                      |
| § 5.15 for changing the scope of a license.   |                      |
| § 1.5.25 for retroactive license.   |                      |
| <br><input type="checkbox"/> Petition Fee under 37 CFR 1.17(h)  | <br><b>Fee \$130</b> |
| § 1.19(g) to request documents in a form other than provided in this part.  |                      |
| § 1.84 for accepting color drawings or photographs.   |                      |
| § 1.91 for entry of a model or exhibit.   |                      |
| § 1.102(d) to make an application special.  |                      |
| § 1.138(c) to expressly abandon an application to avoid publication.  |                      |
| § 1.313 to withdraw an application from issue.  |                      |
| § 1.314 to defer issuance of a patent.  |                      |

Submitted by:

|  |                           |                         |
|--|---------------------------|-------------------------|
| CUSTOMER NUMBER<br>25763   | DORSEY & WHITNEY LLP      |                         |
| Name: Scott D. Rothenberger  | Phone No.: (612) 340-8819 | Fax No.: (612) 340-8856 |
| Signature:  | Reg. No.: 41,277          | Date: September 5, 2006 |